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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

E-FILED - 4/13/06

UNITED STATES OF AMERICA,)	No. CR 06-00074 RMW
Plaintiff,)	
v.)	STIPULATION AND
)	ORDER EXCLUDING TIME
JAMES FITZGERALD,)	
Defendant.)	SAN JOSE VENUE

On March 13, 2006, the parties in this case appeared before the Court for an initial appearance. Assistant United States Attorney Susan Knight informed the Court that the defendant was arrested in Monterey County on February 16, 2006, and was detained with an unknown release date. Therefore, the parties requested that the matter be continued to April 3, 2006 at 9:00 a.m. Based on the defendant's unavailability, the parties requested an exclusion of time under the Speedy Trial Act from March 13, 2006 until April 3, 2006. The parties agree and stipulate that an exclusion of time is appropriate based on the defendant's incarceration in Monterey County Jail. *See* 18 U.S.C. § 3161(h)(3)(A).

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1 SO STIPULATED:

KEVIN V. RYAN
United States Attorney

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3 DATED:

/s/

SUSAN KNIGHT
Assistant United States Attorney

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5 DATED:

/s/

LARA S. VINNARD
Assistant Federal Public Defender

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8 Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded
9 under the Speedy Trial Act from March 13, 2006 until April 3, 2006. The Court finds, based on
10 the defendant's current incarceration in Monterey County, that the ends of justice served by
11 granting the requested continuance outweigh the best interest of the public and the defendant in a
12 speedy trial. The Court therefore concludes that this exclusion of time should be made based
13 upon the defendant's unavailability pursuant to 18 U.S.C. § 3161(h)(3)(A).

14 SO ORDERED.

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16 DATED: 4/13/06

/s/ Ronald M. Whyte

RONALD M. WHYTE
United States District Judge